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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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Honorable Reed Hundt, Chairman
Federal Communications Commission
1919 M. Street, Northwest
Washington, D.C. 20554

Dear Mr. Chairman:

It is the understanding of the Hispanic National Bar Association (HNBA) that the Federal Communications Commission (FCC), in the coming week, will issue rules and guidelines related to spectrum, auctions for broadband Personal Communications Services (PCS). PCS represents an unprecedented opportunity for minority and women owned businesses which have traditionally been left out of the emerging telecommunications technology arena. The Small Business Advisory Committee (SBAC), a group chartered by the Federal Communications Commission to explore ways in which small minority and women-owned businesses could participate in the emerging telecommunications technologies, expressed serious concerns about the ability of small/minority owned businesses did not have the financial ability to compete with "deep pocketed" interest when it comes to spectrum auctions or to build, own and operate PCS systems. The SBAC concluded that unless the FCC offered incentives to small minority and women owned businesses, they would again be denied the opportunity to fully participate in this new emerging technology.

This decision that the FCC will make in the next several days will have a profound affect on the ability for minorities and women to participate in PCS. The individuals that I represent have expressed a deep concern that the FCC's decision will not provide the appropriate incentives and opportunities. It is our understanding that a block of broad band PCS spectrum originally set aside for designated entities may be abandoned. We believe that such a set aside programs can be productive and meaningful and we would urge the FCC to reconsider this position.

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It is our further understanding that incentives related to the auction of PCS spectrum such as deferred payments, bidding credits and even the tax certificate program is under review and may not be implemented. The HNBA and its constituents believe that excluding such proposals from the auction process would be a very serious mistake.

The HNBA believes in the objective of promoting economic opportunity and competition and insuring that the benefits of new and innovative technologies are readily accessible to a variety of applicants, including minority groups and women. This cannot be achieved in the merging wireless/PCS telecommunications arena without leadership and direction from the FCC. It has generally been the belief that the FCC supported the development of opportunities for minority and female owned businesses. Set asides, bidding preferences, tax certificates and defer payment programs are important components in a meaningful PCS minority participation program. We would urge the Commission to promote the public interest by creating a regulatory framework which includes opportunities for women and minorities to fully participate in the emerging PCS arena.

Sincerely,



Wilfredo Caraballo
Hispanic National Bar Association,
President

JRM/leg

CC: The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Susan Ness
The Honorable Rachell B. Chong
Mr. William Kennard, General Counsel
MR. Ralph Haller, PCS Task Force
Mr. Robert Pepper, Office of Plans & Policy